

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

CARROLL GREGG,)	
)	
Petitioner)	
)	
vs.)	No. CIV-07-864-C
)	
MIKE ADDISON, Warden,)	
)	
Respondent)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Valerie K. Couch, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Couch entered a Report and Recommendation on August 10, 2007, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

The case law cited by Petitioner in support of his objection to transfer for permission to file a second or successive petition is inapposite to the facts of his case. His first petition was decided on its merits and clearly requires permission from the Circuit Court of Appeals under 28 U.S.C. § 2244(b). Accordingly, the transfer recommended by Judge Couch is required.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted in its entirety, and this action is transferred to the Tenth Circuit Court of Appeals consistent with 28 U.S.C. §§ 2244(b)(3)(A) and 1631.

IT IS SO ORDERED this 23rd day of August, 2007.



ROBIN J. CAUTHRON
United States District Judge